

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY MURPHY,)	
)	Civil Action No. 07 - 823
)	
Plaintiff,)	Chief Judge Donetta W. Ambrose
)	
v.)	
)	
FAYETTE COUNTY PRISON,)	
)	

Defendant.

MEMORANDUM ORDER

On June 18, 2007, Plaintiff filed a Motion to Proceed *In Forma Pauperis* and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on April 3, 2008 (doc. no. 27) recommended that the Motion to Dismiss filed by Defendant Fayette County Prison (doc. no. 17) be granted on the basis that the Plaintiff failed to have exhausted his available administrative remedies. Plaintiff filed Objections, which he titled as "Declaration" in opposition to the Report and Recommendation on April 7, 2008 (doc. no. 28). The Objections do not affect the disposition recommended in the Report and Recommendation.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

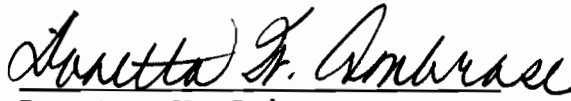
AND NOW, this 9th day of April, 2008;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Fayette County Prison (doc. no. 17) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 27) of Magistrate Judge Lenihan, dated April 3, 2008, is **ADOPTED** as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this action **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.


Donetta W. Ambrose
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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